

A<sup>2</sup>

15. (AMENDED) A method for obtaining a transgenic plant having an improved agronomic characteristic which comprises:

- (a) preparing uncharacterized DNA fragments from DNA of a donor plant species;
- (b) inserting said DNA fragments into a vector;
- (c) transforming plant cells of a recipient plant species with said vector containing said DNA fragments;
- (d) selecting transformed plant cells;
- (e) regenerating plants from the transformed plant cells;
- (f) harvesting seed from the regenerated plants;
- (g) planting the harvested seed and growing the resultant plants;
- (h) analyzing the plants for improved agronomic characteristics;
- (i) selecting plants having an improved agronomic characteristic;
- (j) harvesting seed from said selected plants; and
- (k) introducing seed from said selected plants into a breeding program to produce progeny of said plants, said progeny maintaining said improved agronomic characteristic.

#### REMARKS

Claims 1 and 15 have been rewritten to specify "uncharacterized" DNA in step (a). It is believed that none of these amendments constitute new matter and their entry is requested. The interview on August 26, 2000, courteously granted for applicant by Examiner Ousama M-Faiz Zaghmout and Examiner David Fox, is acknowledged with appreciation.

The Examiner has rejected claims 1 and 15 under 35 U.S.C. §112, first paragraph, for not satisfying the written description requirements. Applicant submits herewith two Declarations under 37 CFR §1.132, the first Declaration by Herbert M. Wilson and a second Declaration by Harry H. Stine which show that, as of the filing date, the inventor was in possession of the invention. Applicant further submits that native regulatory element or elements already present in the donor DNA are sufficient